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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

#22/Response
Answer
10/23/02

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In re application of

THEODORE W. HOUSTON

Serial No. 09/346,436 (TI-21004)

Filed July 1, 1999

For: BONDED SOI WITH BURIED INTERCONNECT
TO HANDLE OR DEVICE WAFER

Art Unit 2813

Examiner E. Kielin

Commissioner for Patents
Washington, D. C. 20231

Sir:

RESPONSE TO NOTICE OF NON-COMPLIANCE

It is initially noted that Examiner Eric Kielin called the office of the undersigned on September 26, 2002 to advise that no response had been received to a Notice of Non-Compliance mailed May 20, 2002. Since no such Notice had been received by the undersigned or at the patent department of assignee corporation, Examiner Kielin faxed to the office of the undersigned a copy of said Notice and advised that he would send a new Notice and restart the date for response after a conference with his supervisor.

In review of the Notice of Non-Compliance, it is stated that the Appeal Brief is defective for stating that "...all claims have been canceled with the exceptions of claims 9 and 22 which remain on appeal". This is in error as will be demonstrated.

It is noted that the Supplemental Appeal Brief states in the first paragraph thereof that "the appeal is hereby reinstated as set forth in the Reply Brief". In the Reply Brief it is stated that the appeal is dropped as to all of the appealed claims with the exception of claims 9 and 12. This meant that only claims 9 and 22 remained on appeal at that time with claims 25 and 26 having been indicated to be allowable if independently presented. Accordingly, upon filing of the Supplemental Appeal Brief, only claims 9, 22, 25 and 26 remained active in this application. Accordingly, claims 2 and 4 are not and have not been on appeal since filing of the Reply Brief.

Out of an abundance of caution, this paper should be treated as requesting cancellation of claims 2 and 4 and any other claims pending or alleged to be pending in this application with the exception of claims 9, 22, 25 and 26.

It is not believed that the subject application is or ever was abandoned since the Notice of Non-Compliance was never received and, in any event, never should have been send. Accordingly, no fee is due.

Respectfully submitted,



Jay M. Cantor
Reg. No. 19906
(202) 639-7713



CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8 (a)

I hereby certify that the attached document is being deposited with the United States Postal Service with sufficient postage for First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on the date indicated below.

9-30-02

Jackie McBride
Jackie McBride

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